

**IVINS
CITY COUNCIL
MINUTES
September 17, 2015**

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.

All present included Council Member Elwell, Mayor Pro Tem McDonald, and Council Member Roberts.

STAFF: City Manager/Attorney Dale Coulam, City Engineer/Public Works Director Chuck Gillette, Building and Zoning Administrator Kevin Rudd, Director of Finance Wally Ritchie, and City Recorder Kari Jimenez.

EXCUSED: Mayor Hart, Council Member Mendenhall and Council Member Densley

Audience: Jenny Johnson, Kevin Warnick and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Pro Tem McDonald indicated there was a quorum present and that Mayor Hart, Council Member Mendenhall and Council Member Densley were excused.

B. Flag Salute

Council Member Elwell led the Flag Salute

C. Invocation

Council Member Elwell gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Public Works/Engineering, Building Department and Finance

Chuck Gillette reported that the City has issued an RFP (Request for Proposal) for the 2 million gallon water tank that will replace the 1 million gallon water tank. Proposals are expected in 2 weeks. The Storm Drain Masterplan will likely be ready to deliver final draft to City Council at the next meeting as a presentation. **Council Member Roberts** referred to the BLM (Bureau of Land Management) issues referenced in Chuck's report and inquired who would be drafting a letter to them. **Chuck Gillette** stated that he planned on drafting a letter from him and suggested that the Mayor and City Council members send a letter. **Dale Coulam** clarified that the County has provided talking points that the City may want to consider because they don't want to see a bunch of form letters. He will forward the email that he received from the County to the City Council. **Mayor Pro Tem McDonald** referred to the water report and noticed that water consumption is down and inquired as to the reason. **Chuck Gillette** indicated that it was a very wet May and June. **Council Member Roberts** stated that July was not as hot as it usually is and there were rainstorms off and on throughout those months.

Kevin Rudd reported that the Building Department is continuing to issue single family building permits at approximately the same rate as last year. There are some potential large projects moving along that will keep the building department busy. Regarding code enforcement, there are a lot of weeds this time of year but the burn season is now open and that will help with the weeds.

Wally Ritchie submitted an electronic monthly budget report to the Mayor and City Council. A copy of the report is available by request through Ivins City Hall.

B. Planning Commission Report

Chairman Loris reported that the Planning Commission approved an Amended Final Plat for Padre Canyon Estates Unit 1 Phase 3. They also approved two (2) Final Plats for Taviawk IX-K and IX-L.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

There was one comment from Paul Bottino of 170 S. 330 West. He raised concerns about 200 South from 200 West to Suncrest West. A car went by and hit a middle school student. Fortunately she wasn't hurt bad- the mirror of the car hit her backpack. Many that live in Suncrest worry about this road because there is no sidewalk. A police report was filled out. **Council Member Roberts** inquired if the sun was shining into the vehicle. **Paul Bottino** indicated it was. **Mayor Pro Tem McDonald, Council Member Elwell** and **Council Member Roberts** agreed they would like to discuss this on a future agenda.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing regarding the Issuance and Sale of not more than \$7,000,000 aggregate principal amount of the Industrial Revenue Bonds, Series 2015 (Tuacahn Project) to (I) acquire, construct, equip and furnish a new Arts Center building and (II) expand and renovate the existing amphitheater, indoor theater and related facilities (collectively, the "Project")

Dale Coulam stated Jason Burningham is the financial expert and Ballard Spahr is the acting Bond Council and are setting the parameters for issuing bonds. The last meeting was a preliminary requirement for conduit financing. **Jason Burningham** stated that a 501(c)3 or non profit is allowed to access tax exempt bond financing. The only way it is allowed is to have to go through a conduit issuer - meaning, they must go through a municipal body in order to access the markets. On the September 3, 2015 City Council meeting, you took action to adopt calling for this Public Hearing to be held. The project is an expansion and updating the facilities. It's hopeful that the bond will be significant to maintaining the economic vitality of Tuacahn. More than 70 percent of patrons come from outside of the county. The purpose tonight is two fold - individuals and residents to comment relative to the bond issue and second the action is a parameters resolution that allows for a notice of intent to be set out and published in the paper and after that's published there's a 30 day period that the proceeding can be contested. Once the 30 days has been completed, the issuance is free to move forward. Another element is that this is a little different than a traditional municipal bond, in that cities have no legal or financial obligation to the issuance of the bond. The bond holder is the one who will repay the financing. **Council Member Roberts** inquired if the Public Hearing is specifically on the bond issue and not on whether or not tax money will be obligated. **Jason Burningham** indicated yes and stated that the Public Hearing is specifically on the process that has been put forward and noticing.

Mayor Pro Tem McDonald opened the Public Hearing. There being no comments, **Mayor Pro Tem McDonald** closed the Public Hearing.

B. Discuss and consider approval of Resolution No. 2015-24R, a Resolution of Ivins City, Utah, (the "City") authorizing the issuance and sale of not more than \$7,000,000 aggregate principal amount of Industrial Revenue Bonds (Tuacahn Project), Series 2015 to (I) acquire, construct,

equip and furnish a new Arts Center building and (II) expand and renovate the existing amphitheater, indoor theater and related facilities (collectively, the "Project"); providing for the publication of Notice of Bonds to be issued providing for the running of a contest period and related matters

Dale Coulam clarified that as far as what the City has committed and other cities and the County in funds to assist Tuacahn, that will come forward in the form of an interlocal agreement and is separate than this tonight. This is procedural to set parameters and issue the notice of intent to issue the bonds and to let the contest period to run.

Mayor Pro Tem McDonald noted that he spoke with **Council Member Densley** earlier and he was in favor of this. He also indicated that he was aware that **Council Member Mendenhall** was opposed to this Resolution and wanted these noted on the public record.

MOTION: Council Member Elwell moved to approve Resolution No. 2015-24R, as presented

SECOND: Council Member Roberts

VOTE: The motion carried.

Council Member Elwell	AYE
Mayor Pro Tem McDonald	AYE
Council Member Roberts	AYE
Council Member Mendenhall	ABSENT
Council Member Densley	ABSENT

Roll call vote. All Council Members who were present voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of including additional language in the Ivins City General Plan regarding Road Respect

Dale Coulam referred to proposed language in the new General Plan about being a Road Respect community. He said that is fine because it merely sets forth a true fact. However he had concerns about stating as a goal that Ivins would achieve level 3 road respect designation because he was unable to find a meeting where the Council actually ever stated that. He recommended that if the Council wanted to act on this tonight, to leave that language out. **Mayor Pro Tem McDonald and the other Council Members** agreed to approve the additional language except for the final phrase of the goal which stated that Ivins would become a level 3 road respect community.

MOTION: Council Member Roberts moved to approve the additional language in the Ivins City General Plan regarding Road Respect, as amended

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
Mayor Pro Tem McDonald	AYE
Council Member Roberts	AYE
Council Member Mendenhall	ABSENT
Council Member Densley	ABSENT

B. Discuss and consider residency requirements for Department Heads

Dale Coulam stated that neither State statutes nor City ordinances require Department Heads to live within the City, but their job descriptions currently do. When the City recently advertised for a new Public Works Director, several qualified local people would have applied if Chuck had not but they wouldn't have qualified unless they relocated to Ivins City, even though they resided nearby. That requirement eliminates talented potential applicants. He agreed that they should live within the County and if the City Council were to consider a response time or a radius, that would be fine with him. **Mayor Pro Tem McDonald** inquired if other cities have a limit and if so, what they were. **Dale Coulam** indicated he would research that and report back.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for September 3, 2015

MOTION: Council Member Elwell moved to approve the Consent Agenda

SECOND: Council Member Roberts

VOTE: The motion carried.

Council Member Elwell	AYE
Mayor Pro Tem McDonald	AYE
Council Member Roberts	AYE
Council Member Mendenhall	ABSENT
Council Member Densley	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Elwell - no report

Council Member Roberts inquired about whether the Council was supposed to be in the Heritage Days Parade because he is part of the color guard. **Council Members Elwell** stated he had another commitment. **Dale Coulam** indicated he would make inquiries and arrange accordingly.

Mayor Pro Tem McDonald - no report

B. Mayor

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that he had just returned from a good Utah League of Cities and Towns (ULCT) conference and that the Mayor and Wally were still there. He stated that Kari would both be at the UMCA (Utah Municipal Clerks Association) conference the next week and that he and Wally would be at the ICMA (International City Managers Association) conference the following week. He reminded the City Council that there would be a joint special meeting on October 6, 2015.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Mayor Pro Tem McDonald moved to adjourn

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
Mayor Pro Tem McDonald	AYE
Council Member Roberts	AYE
Council Member Mendenhall	ABSENT
Council Member Densley	ABSENT

The meeting adjourned at 6:25 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder